IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE TWENTY FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

and
THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT APPEAL NO : 853 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 11/03/2005 in WP NO : 4760 OF 2005 on the file of the High Court.)

Between:

The Deputy General Manager (H.R.), M/s.Power Grid Corporation of India Limited, MCH Complex, R.P.Road, Secunderabad-500 003.

..... APPELLANT

AND

1Mr.T.Venkat Reddy, s/o Sri Konda Reddy
r/o Bhairavunipadu Village, Macherla Mandal, Guntur District.
2Mr.P.Seenu Mukkanti, s/o Sri P.Nagulu
r/o Bhairavunipadu Village, Macherla Mandal, Guntur District.
3Mr.Ch.Hanimi Reddy, s/o Sri Lachi Reddy
r/o Bhairavunipadu Village, Macherla Mandal, Guntur District.
4Mr.G.Ramakrishna, s/o Sri Lakshmaiah
r/o Bhairavunipadu Village, Macherla Mandal, Guntur District.
5Mr.G.Govindaraju, s/o Sri Ramaiah
r/o Bhairavunipadu Village, Macherla Mandal, Guntur District.
6Mr.J.Lakshmaiah, s/o Sri Venkaiah,
r/o Bhairavunipadu Village, Macherla Mandal, Guntur District.
7Mr.P.Guruvaiah, s/o Sri Anjaiah,
r/o Bhairavunipadu Village, Macherla Mandal, Guntur District.
8Mr.K.Venkateswarlu, s/o Sri Achaiah,
r/o Bhairavunipadu Village, Macherla Mandal, Guntur District.
9Mr.Jinkala Anjaiah, s/o Sri Siddaiah,
r/o Bhairavunipadu Village, Macherla Mandal, Guntur District.

.....RESPONDENTS

Counsel for the Appellant : MR.R.RAGHUNANDAN
Counsel for the Respondents: MR.S.JAGADISH

The Court at the stage of admission, made the following :

JUDGMENT: (per the Hon'ble Sri Justice L.Narasimha Reddy)

This Writ Appeal is filed against the order of the learned single Judge dated 11.03.2005 in Writ Petition No.4760 of 2005.

The respondents claim to be the owners of certain extents of land, which was acquired by the appellant for the purpose of establishing a sub-station. They filed a Writ Petition seeking a direction to the appellant to consider their cases for appointment to any suitable post because they answered the description of displaced persons. They placed reliance upon a letter, dated 03.01.2005 issued by the appellant herein. The learned single Judge disposed of the Writ Petition at the admission stage and directed the appellant to consider the cases of the respondents, within a period of four weeks, as per the Schemes or Rules framed thereunder.

Learned counsel for the appellant Sri R.Raghunandan submits that the lands in question were acquired way back in the year 1982 and neither at the relevant point of time nor at present there is any scheme to provide employment to the displaced persons, whose lands are acquired for the purpose of establishing a sub-station. He submits that the letter dated 03.01.2005 was issued in response to the request of one of such alleged displaced persons, who filed the Writ Petition against the NTPC, clarifying the matter to the effect that no such Scheme is prevailing in the appellant-Corporation.

Learned counsel for the respondents Sri S.Jagadish, on the other hand, submits that in almost every organization held by the State, oustees of the lands or their dependents are provided with employment and the appellant being a State-owned Corporation, cannot refuse to extend such benefit.

The respondents are said to be the descendants of the owners of the land, which was acquired for establishing the sub-station. It is true that in certain cases, the concerned agencies, mostly run by the State have provided employment to the

displaced persons in those very organizations. It must, however, be noted that the provision of employment, in such cases, would depend upon the very existence of Scheme. In the absence of a scheme to that effect, no agency or authority, which acquires the land can be compelled to employ the persons whose lands have been acquired.

The learned counsel for the appellant categorically asserts that at no point of time there was such a scheme in the appellant-Corporation or its predecessor, NTPC. That being the case, no right, as such, can be said to have accrued to the respondents to compel the appellant to provide employment under that category. Another factor, which disables the respondents to insist on such a course of action, is the time gap between the acquisition and their present demand.

Though we are of the view that there does not exist any scheme in the appellant-Corporation to provide employment to the land oustees and that much time had elapsed since the acquisition, we can certainly recognise a semblance of priority in the respondents, as and when the appellant undertakes the employment. By its very nature, the priority pre-supposes the existence of other things being equal. The respondents, as such, cannot be conferred with the benefit of any exemption or relaxation.

For the foregoing reasons, we dispose of the Writ Appeal by modifying the order of the learned single Judge to the effect that as and when the appellant-Corporation undertakes any employment to any unskilled posts, it shall consider the cases of the respondents herein, subject to their eligibility and fulfillment of other conditions. If they are found to be otherwise qualified and equal to other persons seeking such employment, the respondents shall be considered on priority basis. This direction shall apply in case of daily wage employment also.

(T.MEENA KUMARI, J)

(L.NARASIMHA REDDY, J)

Dt: 25.04.2005

To

1. The Deputy General Manager (H.R.), M/s.Power Grid Corporation of India Limited, MCH Complex, R.P.Road, Secunderabad-500 003.

2. Two CD copies